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TECH CENTER 1600/2900
Attorney Docket No. 00537/182002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
JACQUES-PIERRE MOREAU

EXAMINER: M. Borin
ART UNIT: 1631

APPLICATION NO.: 09/744,846

FILED: MAY 24, 2001

FOR: METHOD OF USING A
SOMATOSTATIN ANALOG

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.
Date of Deposit July 15, 2002

Karen Loudon

Karen Loudon

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER AND FEE AUTHORIZATION

Transmitted herewith is a Reply under 37 C.F.R. §1.111; with a Certificate of Mailing, and an acknowledgement postcard.

No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Assistant Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. A duplicate copy of this letter is enclosed.

Respectfully submitted,
Biomeasure Inc.

Date: 15 July - 2002

Brian R. Morrill
Attorney for Applicant
Reg. No. 42,908

27 Maple Street
Milford, MA 01757-3650
(508) 478-0144



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Karen Louden
Karen Louden

#9/A
Plunkett
7/31/02

Sir:

REPLY UNDER 37 C.F.R. §1.111

This is in reply to the Office Action mailed June 28, 2002,
("Instant Office Action"), that issued in the above-captioned
patent application, ("Instant Application"), the period for
response thereto having been set to expire on July 28, 2002.

Amendment

In the claims:

Cancel claims 1 - 4.

The foregoing amendment is made without waiver or prejudice
to Applicant's right to prosecute any or all of claims 1 - 4 in
any continuing application.

REMARKS

In the instant Office Action claims 1-5 are listed as
pending and claims 1-5 are listed as subject to a restriction

and/or election requirement. Applicant respectfully traverses this requirement.

The Examiner alleges that the subject matter of the claims are not so linked as to form a single general inventive concept under PCT Rule 13.1 and considers that the various inventive concepts are embodied in the claims as follows:

Group I. Claim 5, drawn to a pharmaceutical composition;
and

Groups II - XXVIII.: Claims 1-4, drawn to methods of treating various disease conditions.

Applicant notes that the Examiner's allegations regarding unity of invention are not consistent with, and would result in a substantially more onerous burden of prosecution on the Applicant than, the findings of the International Search Authority ("ISA"). The Examiner provides no justification for such a drastic deviation from the judgment of the ISA. Applicant respectfully reminds the Examiner that all of the claims share as a special technical feature an identified peptide.

Notwithstanding the foregoing, and solely to facilitate expedient examination of the Instant Application, Applicant has hereinabove amended the Instant Application by canceling claims 1-4. The restriction/election requirement thus having been rendered moot Applicant respectfully requests that it be withdrawn.

Applicant respectfully submits that the remaining claim, claim 5, is in condition for allowance. Prompt and favorable action is earnestly solicited.

Respectfully submitted,

Date: 15 July 2002



Brian R. Morrill
Attorney for Applicant
Reg. No. 42,908

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